

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941



ENROLLED

HOUSE BILL No. 196

(By Mr. Moore)



PASSED march 8 1941

In Effect from Passage

196

ENROLLED
House Bill No. 196
(BY MR. MOORE)

[Passed March 8, 1941; in effect from passage.]

AN ACT authorizing the state compensation commissioner to
reopen the claim of F. M. Mason of Moundsville, Marshall
county, West Virginia.

WHEREAS, On June 24, 1931, F. M. Mason, while employed
at the plant of the United Zinc Smelting Corporation at
Moundsville, West Virginia, received an injury to his spine
along with other injuries; and

WHEREAS, The employer of the said F. M. Mason was, at the
time of the aforesaid injury, a subscriber to the workmen's
compensation fund; and

WHEREAS, The said F. M. Mason has been paid for permanent
partial disability until on or about December 9, 1937, at which
time said compensation expired; and

WHEREAS, The said F. M. Mason as a result of the injury
received on June 24th, 1931, had become permanently and

totally disabled on the 9th day of December, 1937, the date of the last payment of the last award made to him, and in the opinion of competent physicians will hereafter remain so; and

WHEREAS, The said F. M. Mason in the early part of 1938, filed his petition for a reopening of his claim which was denied by the compensation commissioner on the ground that the period of time in which to apply for an additional award and the reopening of his said case had expired, and that the commissioner was without jurisdiction to further consider his said claim for additional compensation upon the grounds assigned of progression and aggravation of his physical condition resulting in permanent total disability since the date of the last award made to said claimant; therefore

Be it enacted by the Legislature of West Virginia:

Section 1. Compensation Commissioner Authorized to

2 *Reopen Case of F. M. Mason.*—The state compensation
3 commissioner is hereby authorized to reopen the claim
4 of F. M. Mason, notwithstanding the fact that more than
5 one year had elapsed since the date of the last payment
6 to him, before the application for reopening and hearing

7 was filed, and to make such disposition of the case as
8 would have been proper had said application been filed
9 within the period required by law, and to allow such
10 compensation to the said F. M. Mason as the facts and
11 conditions pertaining to the case may warrant.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

E. H. Mc Kown

Chairman Senate Committee

Leon Rice

Chairman House Committee

Originated in the House of Delegates

Takes effect from passage.

Adale Watkins

Clerk of the Senate

Joseph

Clerk of the House of Delegates

Byron B. Randolph

President of the Senate

Melvin R. Arnold

Speaker House of Delegates

The within approved this the 14

day of March, 1941.

Matthew M. Neely

Governor.

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Filed in the office of the Secretary of State
of West Virginia. MAR 17 1941

Wm. S. O'BRIEN,
Secretary of State